

Remarks/Arguments:

Claims 1, 7 and 8 have been amended. Claims 9-11 have been added. No new matter is introduced herein. Claims 3, 5 and 6 are cancelled. Claims 1, 2, 4 and 7-11 are pending.

The disclosure has been objected to because of informalities. Page 2 of the Office Action asserts that the disclosure lacks articles, for example, because the disclosure recites "has tweeter 2" on page 2, line 20 of the specification. Applicants note that because an element number (for example "2") is used to refer to the subject (for example "tweeter"), the subject does include the article, i.e. "2." However, in order to expedite the prosecution, Applicants have amended the specification at page 2, lines 20-26 accordingly. Applicants have amended the specification to correct for missing reference numbers, grammatical and typographical errors. The term "PZT" has been defined as "lead-zirconate-titanate." No new matter is introduced herein. Support for the amendment of PZT is found, for example at page 3, lines 24-25. Accordingly, Applicants respectfully request that the objection to the disclosure be withdrawn.

Claims 1, 7 and 8 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Namely, the claims recite the "second piezoelectric material having a sound reproduction frequency range different from band from a sound reproduction frequency range of the first area." This feature has been removed from claims 1, 7 and 8. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. §112, first paragraph be withdrawn.

Claims 1-5 and 8 have been rejected under 35 U.S.C. §102(b) as being anticipated by Murakami (JP 58-16999). Claims 3 and 5 have been cancelled. It is respectfully submitted, however, that the remaining claims are now patentable over the cited art for the reasons set forth below.

Claim 1, as amended, includes features neither disclosed nor suggested by the cited art, namely:

... a diaphragm having a first surface and a second surface opposite to the first surface, the diaphragm having a first area and a second area different from the first area ...

... a base provided on the second surface of the diaphragm, the base having a first opening and a second opening provided therein, the first opening allowing a portion of the second surface within the first area to be exposed through the first opening, the second opening allowing a further portion of the second surface within the second area to be exposed through the second opening, the first opening having a size different from a size of the second opening ... (Emphasis Added)

Claims 7 and 8 include similar recitations. These features are disclosed, for example, at page 3, lines 16-21 and Fig. 4.

Murakami discloses, in Figs. 2 and 3, piezoelectric elements 4 having different areas fixed between a diaphragm 3 and an electrode plate 5 (What is claimed). Murakami does not disclose or suggest Applicants' claimed features of "a base provided on the second surface of the diaphragm ... having a first opening and a second opening ... the first opening having a size different from a size of the second opening" (Emphasis Added). These features are neither disclosed nor suggested by Murakami. Thus, Murakami does not include all of the features of claim 1. Accordingly, allowance of claim 1 is respectfully requested.

Claims 2 and 4 include all of the features of claim 1 from which they depend. Accordingly, claims 2 and 4 are also patentable over the cited art.

Amended claim 8, although not identical to claim 1, includes similar features neither disclosed nor suggested by the cited art. Namely, a base provided on the second surface of the diaphragm having first and second openings where the first opening has a size that is different from a size of the second opening. As discussed above, these features are neither disclosed nor suggested by Murakami. Thus, Murakami does not include all of the features of claim 8. Accordingly, allowance of claim 8 is respectfully requested.

Claim 6 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Murakami in view of Buhler et al. (U.S. Pat. No. 6,924,584). Claim 6 has been canceled. This rejection is moot in view of the cancellation of claim 6.

Claim 7 has been rejected under 35 U.S.C §103(a) as being unpatentable over Murakami in view of Shimada (U.S. Pat. No. 3,892,624). It is respectfully submitted, however, that this claim is now patentable for the reasons set forth below.

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Amended claim 7, although not identical to claim 1, includes features similar to claim 1 that are neither disclosed nor suggested by the cited art. Namely, a base provided on the second surface of the diaphragm having first and second openings where the first opening has a size that is different from a size of the second opening. Murakami is discussed above. Shimada does not make up for the features that are lacking in Murakami. Accordingly, allowance of claim 7 is respectfully requested.

Claims 9-11 have been added. No new matter is introduced herein. Claims 9-11 recite that the second area of the diaphragm has a sound reproduction frequency range different from a sound reproduction frequency range of the first area of the diaphragm. Support for these claims can be found, for example, at page 3, lines 5-9 and Fig. 3. New claims 9-11 include all of the features of respective claims 1, 7 and 8 from which they depend. Accordingly, claims 9-11 are patentable over the cited art.

In view of the amendments and arguments set forth above, the above-identified application is in condition for allowance which action is respectfully requested.

Respectfully submitted,


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LEA/bj/ds

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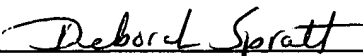
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October 19, 2006

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